

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

PERRY MACKALL,

Plaintiff,

v.

Case Number 05-10112-BC  
Honorable David M. Lawson

PATRICIA L. CARUSO, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

On August 17, 2005, the Court adopted the magistrate judge's report and recommendation that the plaintiff's complaint be dismissed for failure to demonstrate exhaustion of administrative remedies. The plaintiff had filed no objections to the magistrate judge's report, and the Court agreed with the findings and conclusions of the magistrate judge. On August 31, 2005, the plaintiff filed a motion for reconsideration, stating he did not file objections due to limited access to the law library. The Local Rules of this Court permit a party to file a motion for reconsideration of a ruling within ten days after its entry by the Court. Such a motion will be granted only if the movant identifies a "palpable defect" in this court's disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a one that is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001). Here, the Court will deny the motion because the plaintiff has not shown a palpable defect in the Court's order.

Accordingly, it is **ORDERED** that the plaintiff's motion for reconsideration [dkt # 11] is **DENIED**.

s/David M. Lawson  
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DAVID M. LAWSON  
United States District Judge

Dated: October 6, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 6, 2005.

s/Tracy A. Jacobs  
TRACY A. JACOBS